(S)

BS 28/11/07

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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4950/2004

PETITIONER Amar Nath Singh Yadav, s/o Late Hargun Singh Yadav, aged about 45 years, presently working as Craft Teacher, Govt. High School, Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

Versus

RESPONDENTS

1. State of Chhattisgarh, Through Secretary Ministry of Tribal Welfare & Development DKS Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Commissioner, Tribal Welfare and Development, Raipur, Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare and Development, Ambikapur, District Surguja, Chhattisgarh
4. Collector, Ambikapur, District Surguja, Chhattisgarh .
5. Shri G.P. Tripathi, Lecturer, Govt. Higher Secondary School, Shivprasad Nagar, District Surguja, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUION OF INDIA

Appearance:

Shri Pankaj Shrivastava, Counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State/respondents No. 1 to 4.
Shri Ashok Shukla, counsel for respondent No.5.

ORAL ORDER
(23.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioner submits that the petitioner is presently working on the post of Craft Teacher in Government High School, Gandhi Nagar, Ambikapur, District Surguja(CG). He was appointed as the Craft Teacher on 29.3.1987. He also submits that the post of Craft Teacher is equivalent to the post of Upper Division Teacher/Headmaster and the next higher post from the post of Craft Teacher is the post of

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Lecturer. He submits that respondent No.5 was appointed as an Assistant Teacher on 30.1.1979 and was promoted to the post of U.D.T. on 15.5.1992. Thereafter, he was promoted to the post of Lecturer on 9.7.1998 and presently he is working on the post of Lecturer in Govt. Higher Secondary School, Shivprasad Nagar, District Surguja(CG). He submits that when the post of Craft Teacher is equivalent to the post of U.D.T., then, the petitioner was holding the same status as of respondent No.5. on 15.5.1992, when respondent No.5 was promoted to the post of U.D.T. and thereafter to the post of Lecturer on 9.7.1998. The petitioner, who was admittedly senior to respondent No.5 on the post of U.D.T.should have also been promoted to the post of Lecturer w.e.f. 9.7.1998, which has not been done in case of the petitioner. He submits that many representations have been filed by the petitioner, but no action has been taken in this regard. He makes a limited prayer that for the present; this petition may be disposed of with a direction to the petitioner to file a fresh representation before respondent No.2 and respondent No.2 may also be directed to dispose of the said representation within the stipulated period granted by this Court.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the State.

The prayer is allowed.

It is directed that if so advised, the petitioner may file a detailed representation along with a copy of this order and a copy of writ petition before respondent No.2 within a period of 3 weeks from today and if such a representation is filed, respondent No.2 shall dispose of the same as early as possible preferably within a period of further three months from the date of receipt of the representation,in an objective manner.

With the aforesaid observations/directions, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Sunita